

## REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 70-102 are pending in the application. Claims 70-102 are rejected.

Applicant thanks the Examiner for re-numbering claims 70-102.

The Examiner states that the title of the invention is not descriptive. The title has been amended to be clearly indicative of the invention to which the claims are directed.

The Examiner states that a substitute specification is required pursuant to 37 C.F.R. § 1.125(a). Applicant requests reconsideration of this requirement. The amendments to the specification are relatively minor and do not affect many pages. There appears to be no lack of clarity or inability to enter amendments on applicant's copy. The Examiner is requested to withdraw this requirement.

Claims 70-78, 80-87, 93-96, and 98-102 stand rejected under 35 U.S.C. 102(e) as being anticipated by Schrier et al. (U.S. Patent Number 5,833,599). This rejection is respectfully traversed.

Independent claim 70, as amended, is directed to a computerized prescription system. The system comprises at least one user computer, the user computer has a graphical user interface permitting capture of prescription information and providing access to one or more of (1) information about a patient's prescription history, (2) information about pharmaceuticals arranged by medical conditions for which the pharmaceuticals are suitable for treating, and (3) information about the properties of pharmaceuticals. The user computer is connected to a communication medium by which the user computer communicates with one or more other computers run by or on behalf of (a) a Health Maintenance Organization, (b) an insurance

company, (c) a drug benefit plan, (d) an offsite pharmacy, (e) a laboratory, and (f) a physician practice.

Schrier et al. is directed to a system and method for providing patient-specific drug information. Specifically, Schrier et al. is directed to a "closed" system for providing patient-specific drug information. Typically, when a computer system limits where and what a computer user can access, the system is considered a "closed" system. For example, Schrier et al. only discloses sending a prescription order to a pharmacy in the institution. (See Column 13, lines 38-52).

Comparing Schrier et al. with the present invention as claimed in claim 70, the two inventions are directed to two different computer systems. The present invention as claimed in claim 70, allows the user computer to capture prescription information from a plurality of sources, i.e. an "open" system. Capturing the prescription information from a plurality of sources allows the user computer to gather complete information. For example, the health insurance company may maintain different information in a database compared to health maintenance organization such as MEDICAID. Moreover, such a system allows for substantial savings of resources, time, etc.

Applicant traverses the Examiner citing of column 5, lines 18-20 of the Schrier et al. as disclosing these additional sources. The cited section discloses a customer, i.e., a hospital, as connecting the system to other data processing systems. Applicant directs the Examiner's attention to column 13, lines 17-23, which states that the system can generate in-patient prescription orders which are limited to the pharmacy of the institution. Moreover, column 13, lines 38-52, states that if the patient is receiving drugs from another source, then the system will

not display all the drugs. Therefore, if a patient is under medication that the present doctor is unaware of, then the system cannot provide a complete prescription history for that patient, and the system cannot provide proper warnings about the different drug interactions affecting the patient. In contrast, the present invention as claimed in claim 70, could capture this information from the additional sources, thereby providing a complete prescription history and can prevent unnecessary complications. As a result, Schrier et al. fails to disclose a “user computer communicates with one or more other computers run by or on behalf of (a) a Health Maintenance Organization, (b) an insurance company, (c) a drug benefit plan, (d) an offsite pharmacy, (e) a laboratory, and (f) a physician practice.”

For these and other reasons, independent claim 70, as well as dependent claims 71-84 are patentable over Schrier et al..

Regarding the rejection of independent claim 99 as being substantially similar to claim 70 and thus stand rejected for similar reasons, the applicant traverses this rejection for the same reasons cited for claim 70.

Regarding the rejection of independent claim 85, claim 85 has been amended and claims “sending said prescription information to an offsite pharmacy.” As stated above, Schrier et al. is directed to a closed system and as a result, prescriptions can only be sent to a pharmacy in the hospital. Again, the present invention as claimed in claim 85 is not a closed system, and as a result, the prescription can be sent to other pharmacies.

For these and other reasons, independent claim 85, as well as dependent claims 86-90 are patentable over Schrier et al..

Regarding the rejection of independent claim 100 as being substantially similar to claim 85 and thus stand rejected for similar reasons, the applicant traverses this rejection for the same reasons cited for claim 85.

Regarding the rejection of independent claim 91, claim 91 has been amended and claims “interrogating offsite databases expected to contain information about a patient’s relationship with the provider of that database.” As stated above, Schrier et al. is directed to a closed system and as a result, only local databases are interrogated. Again, the present invention as claimed in claim 91, is not a closed system, and as a result, the patients medical history provides a complete medical history.

For these and other reasons, independent claim 91, as well as dependent claim 92 are patentable over Schrier et al..

Regarding the rejection of independent claim 101 as being substantially similar to claim 91 and thus stand rejected for similar reasons, the applicant traverses this rejection for the same reasons cited for claim 91.

Regarding the rejection of independent claim 94, claim 94 has been amended and claims “permitting capture of prescription information and providing access to one or more of (1) information about a patient’s medical history, (2) information about therapeutic agents and (3) information about individual prescriber activity, wherein the information is obtained from one or more offsite databases.” As stated above, Schrier et al. is directed to a closed system and as a result, only local databases are interrogated. Again, the present invention as claimed in claim 94, is not a closed system, and as a result, the graphical user interface is able to provide complete information concerning a patient.

For these and other reasons, independent claim 94, as well as dependent claims 95-98 are patentable over Schrier et al..

Regarding the rejection of independent claim 102 as being substantially similar to claim 94 and thus stand rejected for similar reasons, the applicant traverses this rejection for the same reasons cited for claim 94.

Claim 84 stands rejected under 35 U.S.C. § 103 as being unpatentable over Schrier et al. in view of Ballantyne et al. (U.S. Patent Number 5,867,821). This rejection is respectfully traversed. Since claim 84 is dependent on independent claim 70, claim 84 is patentable for the same reasons cited for claim 70.

Regarding the rejections of claims 79, 88, 92, and 97, these rejections are respectfully traversed. Since these are all dependent claims, these claims are all patentable for the same reasons cited for the independent claims they dependent on. Moreover, the Examiner fails to cite any motivation why Schrier et al. should be modified to include the limitations the Examiner cites as being old and well-known in the medical field. Therefore, the Examiner has failed to meet a prima facie case of obviousness and as a result, the Examiner should reconsider and withdraw the 35 U.S.C. § 103 rejection of claims 79, 88, 92, and 97.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

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Respectfully submitted,

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